

REMARKS

Upon entry of the above amendment, claims 1, 4-7, 16-17 and 25 will be pending in the instant application. Applicants canceled Claims 2-3, 8-11 and 18-24 without prejudice to the subject matter contained therein. Applicants withdrew claims 12-15 and claim 25 is new.

No new matter has been added. The specification on page provides support for new claim 25 and amended claims 1 and 4-6.

Claim Rejections – 35 USC § 112

35 USC § 112, first paragraph

Claim 24 stands rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. Applicants respectfully disagree. However, solely in the interest of expediting prosecution of the instant application, Applicants have cancelled claim 24 in order to obviate this rejection.

Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

35 USC § 112, second paragraph

Claims 1, 4-7, 16-18 and 24 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Applicants note that this rejection is moot with regard to cancelled claim 24. Further, Applicants note that this rejection is moot with regard to claims 1, 4-7 and 16-18 in view of the amendments to claims 1 and 4-6.

Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Provisional Rejection of Claims 1, 4-7, 16-18 and 24 under the Judicially Created Doctrine of Obviousness-type Double Patenting

Claims 1, 4-7, 16-18 and 24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the compound and/or composition claims of United States Patent Application Nos. 11/547,046; 11/547,227; 12/088,594; or 12/088,608. Applicants note that this rejection is moot with regard to cancelled claim 24.

Applicants respectfully submit that the presently pending claims have an earlier filing date than co-pending U.S. Patent Application Nos. 11/547,046; 11/547,227; 12/088,594; or 12/088,608. Applicants respectfully submit the present claims are not obvious over the co-pending later filed applications

Applicants respectfully request withdrawal of the judicially created obviousness-type double-patenting rejection.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. Applicants want Examiner to note that an Information Disclosure Statement has been filed concurrently with this application for the examiner's consideration.

If there are any remaining issues or the Examiner believes that a telephone conference with the Applicants' Attorney would be helpful in expediting prosecution of this application, The Examiner is invited to call the undersigned at (617)-871-4125

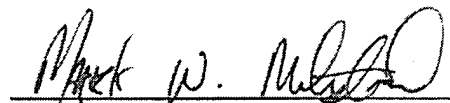
Applicant believes that no fees are due with this filing. However, if any fees are required, the Commissioner is authorized to charge Deposit Account No. 50-4409 in the name of Novartis for any fees due.

Respectfully submitted,

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